



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x : UNITED STATES OF AMERICA

: - v. -

MARK KAISER,

: Defendant.

: ORDER OF FORFEITURE

: S1 04 Cr. 733 (TPG)

- - - - - x :

WHEREAS, on March 16, 2006, MARK KAISER (the "defendant"), was charged in a six-count Superseding Indictment, S1 04 Cr. 733 (TPG) (the "Indictment"), with conspiracy to commit securities fraud, make false statements in SEC filings, and falsify books and records of Royal Ahold N.V. ("Ahold") and U.S. Foodservice, Inc. ("USF"), in violation of Title 18, United States Code, Section 371 (Count One); securities fraud, in violation of Title 15, United States Code Sections 78j(b) and 78ff, and Title 17, Code of Federal Regulations, Section 240.10b-5 (Count Two); and making false statements in SEC filings, in violation of Title 15, United States Code, Sections 78m(a) and 78ff and Title 17, Code of Federal Regulations, Section 240.13a-1 (Counts Three through Six);

WHEREAS, on August 15, 2011, the defendant pled guilty to Count One of the Indictment, pursuant to a plea agreement with the Government, wherein the defendant agreed to forfeit a sum of money equal to \$352,329 in United States currency, representing any property constituting or derived from proceeds obtained

directly or indirectly as a result of the commission of the offense charged in Count One of the Indictment;

WHEREAS, on December 7, 2011, the defendant was sentenced and ordered to forfeit \$352,329 in United States currency, representing the amount of proceeds obtained as a result of the offense charged in Count One of the Indictment;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. As a result of the offense charged in Count One of the Indictment, a money judgment in the amount of \$352,259 in United States currency (the "Money Judgment") shall be entered against the defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, upon entry of this Order of Forfeiture, this Order is final as to the defendant and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. Upon execution of this Order of Forfeiture, and pursuant to 21 U.S.C. § 853, the United States Marshals Service shall be authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

4. All payments on the outstanding Money Judgment

shall be made by postal money order, bank or certified check, made payable, in this instance to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the defendant's name and case number.

5. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Order, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

6. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

7. The Clerk of the Court shall forward three certified copies of this Order to Assistant United States Attorney Sharon Cohen Levin, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

Dated: New York, New York
December 7, 2011

SO ORDERED:



HONORABLE THOMAS P. GRIESA
UNITED STATES DISTRICT JUDGE